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09/886,824	06/21/2001	George Alfred Velius		6850
7590 09/28/2005			EXAMINER	
George Velius 17986 Rosemar Lane Wildwood, MO 63038			DAVIS, GEORGE B	
			ART UNIT	PAPER NUMBER
·			2129	
			DATE MAILED: 09/28/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

## Examiner   Art Unit   George Davis   2129  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address of the cover sheet with the cover sheet with the correspondence address of the cover is the cover sheet with th		Application No.	Applicant(s)
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The MALLING DATE of this communication appears on the cover sheet with the correspondence addreseroid for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30). WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions time may be available under the proxision of 30 FCR 1.13(s). In a overul, however, may a reply be timely filed after SX (6) MONTHS from the mailing date of this communication.  Any reply received by the Office later than three months after the mailing date of which communication, even if threely filed, may reduce any seamed patent term adjustment. Sea 37 CFR 1.70(b).  Status  1) ■ Responsive to communication(s) filed on 16 September 2005.  2a) □ This action is FINAL.  2b) □ This action is non-final.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the m closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s) 1.20 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) □ Claim(s) is/are allowed.  6) □ Claim(s) is/are allowed.  6) □ Claim(s) is/are objected to.  8) □ Claim(s) is/are objected to.  8) □ The specification is objected to by the Examiner.  10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner.  Applicant in any not request that any objection to the drawing(s) be held in abeyance. Sea 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. Sea 37 CFR 1.95(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. Sea 37 CFR 1.91 □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-Prority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ All b) □ Some * ○ □ None of:  1. □ Certified copies of the priority documents have been received in this	Office Action Summary	Examiner	Art Unit
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## **DETAILED ACTION**

## Claim Objections

1. Claims 10-14 and 16-19 are objected to because of the following informalities: Claim 10, line 8, delete "based thereon". Appropriate correction is required.

## Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 recites **receiving input data** representing items of known classification, **generating an output** representing class-specific probability distributions based on the received input data, constructing a transform for each class of interest based on the output, and **transforming the probability distributions** based on certain conditions.

The language of claim 1 raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result on a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claim 10 recites a pattern recognition system to receive input data representing items of known classification and generate output representing class-specific probability distribution based on the received input data, a transformer

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and construct a transform for each class of interest, and a transformer adapted to receive and automatically transform the class-specific probability distributions onto a normalized scale based on certain conditions.

The pattern recognition system and the transform constructor act as input and output devices. The transformer acts as device to transform the probability distributions.

The language of claim 10 raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result on a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claim 20 also recites methods of receiving, outputting and transforming statistics.

The language of claim 20 raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result on a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Independent claims also recite probability distributions or matters related to probability distributions. The language in the independent claims raise a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result on a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Therefore, Claims 1-20 are non-statutory.

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Conclusion

3. Applicant's arguments filed August 2, 2005 have been fully considered but they

are not persuasive.

Applicant argues at page 7, second paragraph "The values of the normalized

scale produced by the steps of claim 1 are physical things". It is not significant as far as

statutory subject matter concern if the claimed invention produces or not produces

physical matters. The significant matter about statutory subject matter is the question of,

is the claimed invention produces useful, concrete and tangible result(s)? Claim 1, the

step of transforming probability distributions based on certain conditions is not useful,

concrete and tangible result.

4. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to George Davis whose telephone number is (571) 272-

3683. The examiner can normally be reached on Monday through Friday from 10:00

am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Anthony Knight, can be reached on (571) 272-3687. The fax phone number

for the organization where this application or proceeding is assigned is (571) 273-3800.

September 26, 2005

GEORGE B. DAVIS

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PRIMARY PATENT EXAMINER